

42 U.S.C. §1983

Tolan v. Cotton, --- U.S. --- (2014) Decided May 5, 2014

FACTS: On December 31, 2008, Officer Edwards (Bellaire, TX) was on patrol. At around 2 p.m., he noticed a black SUV turn onto a residential street and park; two men, Tolan and Cooper, who were actually cousins, got out. Edwards keyed in the license number on his MDT but keyed it in incorrectly (one number different). Coincidentally, that incorrect plate was registered to a vehicle of the same make and color, and it was, in fact, listed as stolen. Immediately, the computer system notified other officers that Edwards was with a stolen vehicle.

Edwards got out and ordered both men to the ground. He accused them of stealing the car, to which Tolan said it was his car. Apparently Tolan complied with Officer Edwards' order to lie on the ground, but Cooper did not. Tolan's parents emerged, who lived at the house; his father attempted "to keep the misunderstanding from escalating into something more" and told Cooper to lie down and both to "say nothing."

Edwards told the Tolans what he suspected and Tolan's father identified his son and his nephew. His mother told them that the vehicle belonged to the family. Eventually Sgt. Cotton arrived – he also had his firearm out. Tolan's mother, still objecting to the situation, was ordered to stand against the garage door, to which she further complained.

At this point, it was alleged, Cotton "grabbed her arm and slammed her against the garage door with such force that she fell to the ground," leaving bruises that lasted for days. (Cotton testified that he escorted her to the garage and that she "flipped her arm up and told her to get his hands off her.") Tolan, allegedly, seeing his mother pushed, rose up to either his knees or his feet. He told the officer to "get his f***ing hands off my mom." Sgt. Cotton then turned and fired three shots at Tolan, striking him once in the chest, "collapsing his right lung and piercing his liver." Although Tolan survived, the injury ended his "budding professional baseball career and causes him to experience pain on a daily basis."¹

Cotton was charged with, but acquitted, of aggravated assault in the shooting. Cooper, Tolan and Tolan's parents filed suit against Stg. Cotton for excessive force. Upon motion, the District Court granted summary judgment in Cotton's favor, finding the force not unreasonable. Upon appeal, the Fifth Circuit Court of Appeals affirmed, holding that even if it did violate the Fourth Amendment, he was entitled to qualified immunity because Cotton "did not violate a clearly established right."

The Tolans and Cooper requested certiorari and the U.S. Supreme Court granted review.

¹ Tolan's father, Bobby, had a long career in Major League Baseball, playing for a number of teams.

ISSUE: Is a court required to analyze the evidence in a summary judgment case in the light most favorable to the plaintiff?

HOLDING: Yes

DISCUSSION: The Court that such questions of qualified immunity require a “two-pronged inquiry.” First, the Court must, using facts most favorable to the plaintiff, decide whether the “officer’s conduct violated a federal right”² – in this case, the Fourth Amendment.

The second prong is “whether the right in question was ‘clearly established’ at the time of the violation.”³ Although the Court may decide these two prongs in any order, it “may not resolve genuine issues of fact in favor of the party seeking summary judgment.”⁴ This is the role of a judge in a summary judgment motion, which is only appropriate if “the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.”

In use of force cases, courts are instructed to “define the ‘clearly established’ right at issue on the basis of the ‘specific context of the case.’” In this case, however, the Fifth Circuit did not analyze the evidence “in the light most favorable to Tolan with respect to the central facts of this case.” The Court looked to several points in which there was material conflict, such as the amount of light at the scene, Tolan’s mother’s demeanor, and the nature of Tolan’s statement and whether it was threatening. Critically, too, was the characterization of Tolan’s movements just prior to the shooting – and whether he was on his knees or his feet – as Tolan emphasized he was not getting up or approaching.

The Court came to the “inescapable conclusion” that the lower courts did not properly consider key evidence. The Court continued:

The witnesses on both sides come to this case with their own perceptions, recollections, and even potential biases. It is in part for that reason that genuine disputes are generally resolved by juries in our adversarial reasons.

Applying that principle, the trial court was obligated to acknowledge and credit Tolan’s evidence that was in conflict with that provided by Cotton. The Court did not express any view at this point “as to whether Cotton’s actions violated clearly established law.” The Court vacated the Fifth Circuit’s judgment and remanded it back, so that Tolan’s evidence could be properly credited and weighted.

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/13pdf/13-551_ihdk.pdf

² Saucier v. Katz, 533 U.S. 194 (2001).

³ Hope v. Pelzer, 536 U.S. 730 (2002).

⁴ Pearson v. Callahan, 555 U.S. 223 (2009); Brousseau v. Haugen, 543 U.S. 194 (2004).